

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THOMAS ROGER WHITE, JR., on behalf of
himself and all others similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendant.

Civil Action No. 17-01775 (MCA) (JSA)

Hon. Madeline Cox Arleo, U.S.D.J.

Hon. Jessica S. Allen, U.S.M.J.

**STIPULATION AND CONSENT
ORDER AMENDING PRETRIAL
SCHEDULING ORDER**

**STIPULATION AND CONSENT ORDER AMENDING PRETRIAL SCHEDULING
ORDER**

WHEREAS, this matter having come before the Court by way of joint consent application of the parties by Plaintiff and Defendant Samsung Electronics America (collectively “the Parties”), by and through their attorneys, amending the current pretrial scheduling order;

WHEREAS, on May 8, 2023, the Court entered an Amended Scheduling Order, ECF No. 223, providing deadlines for the completion of written discovery;

WHEREAS, the parties, by consent, now seek to add the following provision:

- (i) “Plaintiffs are permitted to serve an additional interrogatory consisting of the language included below, and such interrogatory shall be served within three (3) business days after the Court enters this proposed Stipulation and Consent Order. Defendant retains all rights to respond or object to the interrogatory in accordance with the Federal Rules.

Identify any provisions of Samsung’s Policies that you contend support a finding of “prior consent” under 18 U.S.C. § 2511(2)(d), as related to Plaintiffs’ claims. “Identify” for the purposes of this interrogatory will mean to: (a) set out the provision in full in response to this Interrogatory, (b) provide the Bates number of the Policy where the provision appears, as produced in response to Plaintiffs’ Requests for Production Nos. 4 and 10; and (c) provide the dates and television model numbers for which you allege

the Policy to be effective. “Policy” or “Policies” for purposes of this interrogatory will mean any document that Samsung contends constitutes a contract with or effective notice to putative class members, regardless of the title given that document, such as “Terms and Conditions”, “Privacy Policy”, “Viewing Information Services” or “Terms of Service”.”

IT IS SO STIPULATED.

Dated: February 16, 2024

By: s/ Mack Press

Mack Press
mack@mackpress.com
THE MACK FIRM
18 Watergate Lane
Patchogue, NY 11772
Telephone: (516) 330-7213

Eric Kanefsky
Gregory S. Mullens
CALCAGNI & KANEFSKY LLP
One Newark Center
1085 Raymond Blvd., 14th Fl.
Newark, New Jersey 07102
eric@ck-litigation.com
gmullens@ck-litigation.com

Lesley E. Weaver (*pro hac vice*)
Joshua D. Samra (*pro hac vice*)
BLEICHMAR FONTI & AULD LLP
1330 Broadway, Suite 630
Oakland, CA 94612
Tel.: (415) 445-4003
Fax: (415) 445-4020
lweaver@bfalaw.com
jsamra@bfalaw.com

H. Melissa Mather (*pro hac vice*)
BLEICHMAR FONTI & AULD LLP
8911 N Capital of Texas Hwy #4200
Suite 219
Austin, TX 78759
Tel.: (512) 298-0664
mmather@bfalaw.com

Attorneys for Plaintiff

Dated: February 16, 2024

s/ Michael R. McDonald
Michael R. McDonald
mmcdonald@gibbonslaw.com
GIBBONS P.C.
One Gateway Center
Newark, NJ 07102
Telephone: (973) 596-4500


Emily Johnson Henn
ehenn@cov.com
COVINGTON & BURLING LLP
3000 El Camino Real
Palo Alto, CA 94306
Telephone: (650) 632-4715

Jordan S. Joachim, Esq.
jjoachim@cov.com
Celin Carlo-Gonzalez, Esq.
ccarlogonzalez@cov.com
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Telephone: (212) 841-1086

***Attorneys for Defendant Samsung Electronics
America, Inc.***

SO ORDERED:

Dated: 3/12/24



HONORABLE JESSICA S. ALLEN
UNITED STATES MAGISTRATE JUDGE